

UNITED STATES DISCRIT COURT
SOUTHERN DISTRICT OF NEW YORK

PROJECT VERITAS and PROJECT
VERITAS ACTION FUND,

Plaintiffs,

v.

JAMES O'KEEFE, TRANSPARENCY 1,
LLC d/b/a O'KEEFE MEDIA GROUP, RC
MAXWELL, and ANTHONY
IATROPOULOS,

Defendants.

Civil Action No. 7:23-cv-04533

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT O'KEEFE
MEDIA GROUP'S EMERGENCY MOTION TO QUASH SUBPOENA TO APPEAR
AND TESTIFY AT HEARING**

Defendant TRANSPARENCY 1, LLC d/b/a O'KEEFE MEDIA GROUP ("Defendant" or "OMG"), hereby submits to this Court this Memorandum of Law in support of its Emergency Motion to Quash Plaintiffs' Subpoena to Appear and Testify at Hearing to the Keeper of Records of OMG ("Subpoena") pursuant to Rule 45(d)(3)(A) and in support states:

On July 16, 2024, Plaintiffs served a Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action directed to the Keeper of Records of OMG ("Keeper of Records") requiring the Keeper of Records to appear and testify at the evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction (Dkt. 50, 51) set in this case for Monday, July 29, 2024. *See Exhibit 1*, Subpoena to Keeper of Records.

Pursuant to Rule 45(d)(3)(A)(iv) of the Federal Rules of Civil Procedure, a subpoena is to be quashed where it subjects a person to undue burden.

OMG's keeper of records is Steven Saldana. Mr. Saldana has a medical emergency, because his wife is nine months pregnant, and labor is imminent any day. Mr. Saldana cannot appear at the hearing next Monday, July 29, 2024, because he needs to be available to attend the birth of his child and care for his wife during childbirth and in her postpartum care.

The Subpoena therefore imposes an undue burden on OMG's Keeper of Records, Mr. Saldana. Fed. R. Civ. P. 45(d)(3)(A)(iv).

OMG is a small organization and does not have an alternative keeper of records or any staff member who assists Mr. Saldana in his role as Keeper of Records.

WHEREFORE, Defendant respectfully requests that the Court enter an order quashing the Subpoena to Appear and Testify directed to the Keeper of Records of OMG, and granting Defendants such other relief as the Court deems just and proper.

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Dated this 25th day of July 2024.



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/s/ Seldon J. Childers

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document (including any attached exhibits and documents) electronically with the Clerk of the Court using CM/ECF on July 25, 2024 which served same electronically upon all counsel of record.

s/ Seldon J. Childers

Attorney